

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

WILLIAM MURDEN,

X

Petitioner,

-against-

CHRISTOPHER ARTUZ, Superintendent of
Greenhaven Correctional Facility,

Respondent.

JUDGMENT
97-CV- 2155 (JBW)

FEB 2 2005
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

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A Memorandum and Order of Honorable Jack B. Weinstein, United States District Judge, having been filed on January 5, 2005, denying the petition for a writ of habeas corpus; granting a Certificate of Appealability with respect to petitioner's claim that he was denied the effective assistance of trial counsel because he failed to have the petitioner assessed by a psychologist or psychiatrist and failed to investigate or prosecute an extreme emotional disturbance defense; and ordering that a Certificate of Appealability is not granted with respect to any of petitioner's remaining claims; it is

ORDERED and ADJUDGED that the petition for a writ of habeas corpus is denied; that a Certificate of Appealability is granted with respect to petitioner's claim that he was denied the effective assistance of trial counsel because he failed to have the petitioner assessed by a psychologist or psychiatrist and failed to investigate or prosecute an extreme emotional disturbance defense; and that a Certificate of Appealability is not granted with respect to any of petitioner's remaining claims.

Dated: Brooklyn, New York
October 14, 2005

ROBERT C. HEINEMANN
Clerk of Court